

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

HORST KLEINBAUER,

Plaintiff,

v.

TIMOTHY ALAN HILLS, individually and d/b/a  
Club Service Corp. International,

Defendant,

and

TOWN OF STOUGHTON, DAVID M. COHEN,  
and MANUEL CACHOPA,

Reach and Apply Defendants,

and

UNITED STATES OF AMERICA,

Plaintiff by intervention.

Civil Action No. 10-10562  
(Formerly Civil No. 2007-00646,  
*Norfolk Superior Court*)

**NOTICE OF REMOVAL TO THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS**

To:

Sarah F. Jubinville, Esquire  
Colucci, Colucci, Marcus & Flavin, P.C.  
424 Adams Street  
Milton, Massachusetts 02186

Issac H. Peres, Esquire  
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David M. Cohen  
115 Eagle Roack Road  
Stoughton, Massachusetts 02072

Manuel Cachopa  
100 Columbus Avenue  
Stoughton, Massachusetts 02072

Please take notice that the action styled *Horst Kleinbauer v. Timothy Alan Hills, et al.*, Civil No. 2007-00646, now pending in Norfolk Superior Court in the Commonwealth of Massachusetts, is removed to the United States District Court for the District of Massachusetts, by and on behalf of the United States of America. The action is removable pursuant to the provisions of 28 U.S.C. § 1444, as the United States has intervened as a party in this action and, pursuant to 26 U.S.C. § 7424, “section 1444 of title 28 of the United States Code shall apply in any case in which the United States intervenes as if the United States had originally been named as a defendant in such action or suit.”

This notice of removal is filed in accordance with the procedures of 28 U.S.C. § 1446, and the removal of the action is timely under the provisions of 28 U.S.C. § 1446(b). No prior removal of this action has been attempted.

A certified or attested copy of the state court record and a certified or attested copy of all state court docket entries will be filed within thirty days of this Notice as required by Local Rule 81.1(a).

JOHN A. DiCICCO  
Acting Assistant Attorney General  
Tax Division, U.S. Department of Justice

/s/ Austin L. Furman  
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*Local Counsel:*

CARMEN M. ORTIZ  
United States Attorney

Dated: April 2, 2010

**CERTIFICATE OF SERVICE**

I certify that service of the foregoing Notice Of Removal To The United States District Court For The District Of Massachusetts has this 2<sup>nd</sup> day of April 2010 been made upon the following by depositing a copy in the United States mail, postage prepaid, addressed to:

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/s/ Austin L. Furman

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